

PUBLIC LAW BOARD NO. 7163

CASE NO. 626
AWARD NO. 626

Brotherhood of Maintenance of Way Employes
Division - IBT Rail Conference

and

CSX Transportation, Inc.

Claimant: L. Rogers

STATEMENT OF CLAIM:

“Claim of the System Committee of the Brotherhood that:

1. The Carrier’s discipline (dismissal) of Mr. L. Rogers, by letter dated October 17, 2022, in connection with allegations that he violated CSXT Operating Rules 103.7(f), 104.3(d) and 104.3(e) was arbitrary, capricious, unnecessary and excessive (System File DRA704322/22-13071 CSX).
2. As a consequence of the violation referred to in Part 1 above, Claimant L. Rogers shall now be fully exonerated of all charges brought against him and be made whole, including all benefits and credits.”

FINDINGS:

The Board, upon consideration of the entire record and all of the evidence, finds that the parties are Carrier and Employee within meaning of the Railway Labor Act, as amended, this Board is duly constituted by Agreement dated March 20, 2008, this Board has jurisdiction over the dispute involved herein, and the parties were given due notice of the hearing held.

The Claimant established and maintained eighteen years of seniority in the Carrier’s Maintenance of Way Department. During the time relevant to this dispute, Claimant was working as a Machine Operator. This case involves whether the Claimant’s dismissal violated the parties’ Agreement.

The incident that led to the Claimant’s dismissal occurred on August 25, 2022. On that date, the Carrier alleged that the Claimant left a loaded handgun in the bathroom at the CSX Clinton Yard Office.

On September 9, 2022, the Claimant was provided notice that a formal investigation would be held “to develop the facts and place your responsibility, if any, in connection with information received August 24, 2024, that on August 24, 2022, at approximately 0650 hours, at or near Clinton, South Carolina, you displayed behavior that was careless, incompetent and/or willfully negligent and endangered life or property when you brought a loaded handgun to CSX Clinton Yard Office and left it in the bathroom, and all circumstances relating thereto.”

Following a formal investigation into this matter was held on September 27, 2022, the Carrier made several findings, including that on August 25, 2022, Track Supervisor Baxter discovered a handgun sitting on the sink in the bathroom at the CSX Clinton Yard Office. After securing the firearm, Mr. Baxter conducted a job briefing with his employees, including the Claimant, and asked if anyone had lost anything. After some delay, the Claimant admitted that the firearm was his and he had left it in the bathroom the previous evening. At the end of the Claimant’s shift, the firearm was returned to the Claimant, and he was instructed not to bring it onto Company property again. Upon consideration of these findings, the Carrier determined that the Claimant failed to comply with the Company’s prohibition on firearms in Company facilities in violation of CSXT Operating Rules 103.7(f), 104.3(d), and 104.3(e), and on October 17, 2022, the Claimant was notified that he was being assessed with Corrective Action of Dismissal from service.

In discipline cases, the Carrier has the burden to prove that there is substantial evidence that the Claimant engaged in the alleged misconduct. First Division Award 16785. Substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. *Consolidated Edison v. NLRB*, 305 U.S. 197, 305 (1938).

In this case, the Claimant admitted during the on-property investigation that he left his firearm on Company property. It is well-established that when an employee admits guilt, there is no need for further proof. See Public Law Board 7841, Award 1; Public Law Board 6006, Award 108; Third Division Award 40855; Third Division Award 28484; and Fourth Division Award 4779. Thus, the Carrier has met its burden to prove by substantial evidence that the Claimant violated the rules cited in the Carrier’s notice of discipline.

Nevertheless, the Organization maintains that the penalty of dismissal is unwarranted in light of the Claimant’s eighteen years of discipline-free service with the Carrier, his immediate and ongoing honesty and cooperation after the firearm was discovered, and the informal resolution initially reached with his supervisor.

Dismissal is the most severe disciplinary penalty, so it is appropriate for the Board to consider the employee’s work record and any extenuating circumstances involved in this case. Based on the seriousness of the Claimant’s rule violations, severe discipline, including dismissal, is warranted. However, the Board is persuaded that the Claimant’s action was a lapse of judgment that does not reflect a pattern of intentional disregard for safety and will reduce the penalty from dismissal to a sixty-day suspension without pay, and he shall be reinstated with back pay except for the period of his suspension.

AWARD:

Claim sustained in accordance with the Findings. The Carrier is ordered to make the Award effective on or before 45 days following the date the Award is transmitted to the parties.



Michael G. Whelan
Neutral Referee
Dated: 12/1/25



Casey J. Summers
Employe Member



Eric Caruth
Carrier Member